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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,103

03/31/2006

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EXAMINER

RAMSEY, JEREMY C

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

07/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,103

Applicant(s)

DOMOLATO, MAURIZIO

Examiner

JEREMY C. RAMSEY

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Amendment

The following office action is in response to the amendment filed on 05/05/2008. Claims 11-24 are pending in the application. Claims 11-24 are rejected as set forth below.

Specification

The corrections to the Specification filed 05/05/2008 are acceptable.

Claim Rejections - 35 USC § 112

1. Claim 13 recites the limitation "provided between the frame and the frame" in line 4. There is insufficient antecedent basis for at least one recitation of the term "frame" in the claim, and it is generally unclear as to what the applicant is referring to as a frame since the reference numeral (1) is used beside the second use of the word "frame".
2. Claim 14 recites the limitation "the balance hidden weights" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 16 recites the limitation "the lower rods" in line 2. There is insufficient antecedent basis for this limitation in the claim.
4. Regarding claim 18, the phrase "may be" renders the claim indefinite because it is unclear whether the limitations(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
5. These claims are being examined as best understood by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

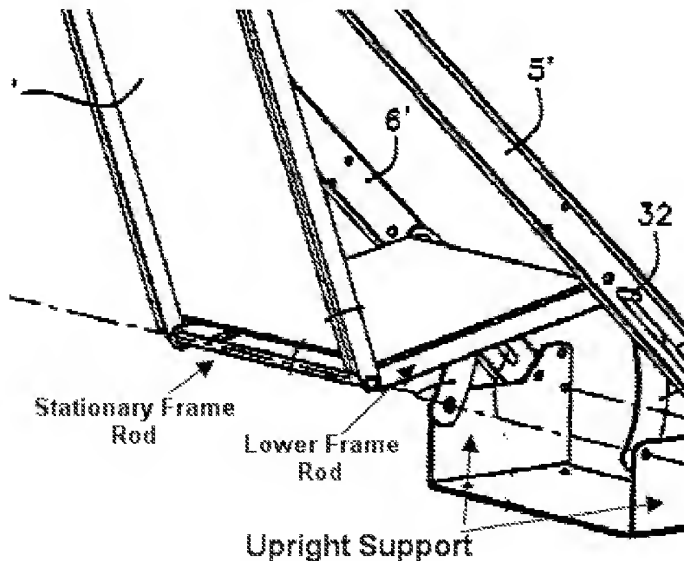
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 15-18, 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Drage et al 6,663,174.

3. In re claim 11, with reference to Figures 1-5, Drage et al '174 disclose a vertical structure having both functions as a seat in a first positions and a partition in a second position comprising:

- A pair of upright supports.
- A quadrilateral articulated frame composed of rods.



- An upper panel (20') and lower panel (21') attached to the frame, said frame adapted to allow the vertical structure to act as a seat with the rods of the frame oriented perpendicular to the upright supports (Figure 5) and as a partition screen with the rods and the upright supports coinciding and the upper panel (20') and the lower (21') panel being coplanar. (Figure 4)
- Wherein the rods are hinged to the vertical structure by pins. (32)
- The lower rods are hinged to a stationary rod which is oriented transverse to the upright supports.
- Wherein the panel ('21) is a single piece secured between the rods and the stationary rod.
- Wherein the panel ('21) may be made of materials adapted to withstand the weight of a person. (inherently so, since the device serves as a chair)
- Wherein the upright supports are of the straight type and are bent through a right angle and are joined together by a special plate for direct fastening to the floor.
- Wherein when the vertical structure is configured as a seat (first position) (Figure 5) the upper panel ('20) is vertical to the lower panel ('21) and the upper panel ('20) is facing and completely spaced apart from the upright supports by an upper two of the rods (5') and a lower two of the rods (lower frame rod) extending away from the upright supports.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drage et al 6,663,174 in view of O'Connor et al 5,655,459.

6. In re claim 12, the vertical structure of Drage et al '174 has been disclosed above but fails to disclose:

- End stops mounted on the rods which abut against the upright supports when the seat position is reached.

7. With reference to Figure 2A, O'Connor '459 discloses:

- End stops (32) mounted on the upright supports (16) which abut against the rods (22) when the seat position is reached.

8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the end stops as taught by O'Connor '459 in order to support the legs (frame) in a horizontal position (column 3, lines 54-56). It also would have been obvious to attach the end stops to the frame instead of the upright supports since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drage et al 6,663,174 in view of Satterfield 6,807,690.

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10. In re claim 13, the vertical structure of Drage et al '174 has been disclosed above but fails to disclose:

- Return springs between the frame and the frame.

11. With reference to Figure 2, Satterfield '690 discloses:

- Return springs (150) between the frame (145) and the frame.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the return springs as taught by Satterfield '690 in order to diminish the force required to raise and lower the seat. (abstract)

1. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drage et al 6,663,174 in view of Ehrenreich 2003/0121123.

2. In re claim 14, the vertical structure of Drage et al '174 has been discussed above, but fails to disclose:

- Balance weights hidden in the upright supports.

3. With reference to Figure 13, Ehrenreich '123 discloses:

- Balance weights (68) hidden in the upright supports.

4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vertical structure of Stol '720 to include balance weights as taught by Ehrenreich '123 in order to provide for a stabilized smooth motion when the device is down-tilted and prevent it from swinging downward of its own weight uncontrolled (paragraph [0034]).

Response to Arguments

5. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
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/Jeremy C Ramsey/
Examiner, Art Unit 3634